UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,524	03/29/2001	Hua Chen	SOM920000010US1	5544

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5, 8-13, 18, 19, 21, 22 and 25-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5, 8-13, 18, 19, 21, 22, and 25-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 7/9/2007.

2.   As per applicant's request, claims 6, 7, 14, 16, 17, 23, and 24 have been cancelled, claims

1-5, 8-13, 18, 19, 21, and 25-27 have been amended. Claims 1-5, 8-13, 18, 19, 21, 22, and 25-27

are pending in the application.

Claim Rejections - 35 USC § 101

3.   The rejection to claims 14, 16-19, and 21-27 has been withdrawn due to the amendment

to the claims.

Claim Objections

4.   Claims 1-5, 8-13, 18, 19, 21, 22, and 25-27 are objected to because of the following

informalities: there appears to be an error using two periods in claims 1, 11, and 18. As per

claims 2-5, 8-10, 12, 13, 19, 21, 22, and 25-27, these claims are objected for dependency on the

above objected parent claims 1, 11, and 18. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-3, 5, 8, 10, 11, 13, 18, 19, 22, 25, and 27 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Gibbon (US Patent 6,473,778), in view of Hui (US Patent 6,654,030),

and further in view of (Mills, U.S. Patent 6,397,219).

        Per claim 1:

Gibbon discloses: combining a plurality of diverse rich media content into a single

multimedia content file for use as a first input to an authoring tool (i.e. col. 11 lines 63-67; col.

12 lines 1-6; col. 13 lines 53-col. 14 line 7).

        Gibbon discloses creating a text-based specification for use as a second input to the

authoring tool(i.e. col. 3 lines 1-28; col. 13 lines 53-col. 14 line 7) but does not explicitly teach

an extensible markup language (XML) based textual specification. However, Hui teaches an

XML-based media description file was known in the pertinent art, at the time applicant's

invention was made to easily understand, modify a media file, and for extensibility (i.e. col. 2

line 59-col. 3 line 30). It would have been obvious for one having ordinary skill in the art to

modify Gibbon's disclosed system to incorporate the teachings of Hui by using the XML-based

format instead of using the HTML representation. The modification would be obvious because

one having ordinary skill in the art would be motivated to allow users to easily understand and

edit media contents (i.e. col. 2 line 59-col. 3 line 30).

        Hui further discloses: the XML-based textual specification comprises a user-specified

vocabulary that defines one or more of the plurality of diverse rich media content and

relationships between two or more of the plurality of diverse rich media content (i.e. col. 2 line

59-col. 3 line 30).

Gibbon in view of Hui further discloses combining the single multimedia content file and the XML-based textual specification in accordance with the user-specified vocabulary and using the authoring tool to create a composed multimedia content file for execution on a multimedia player (i.e. col. 13 lines 53-62).

Gibbon teaches collecting rich media content and combining with a descriptive file with an authoring tool, but neither Gibbon nor Hui teaches editing the plurality of diverse rich media content using a graphical authoring tool. However, Mills discloses such a graphical authoring tool (column 15, line 60 to column 16, line 16) was known in the pertinent art, at the time applicant's invention was made to provide a user-friendly interface. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the authoring tool as taught by Gibbon which combines a descriptive file and a rich media content, with the graphical authoring feature as disclosed by Mills, because this modification provides a means for the authoring tool of Gibbon easily access and efficiently edit Web pages, as taught by Mills (column 15, lines 60- 67).

Gibbon further discloses creating a second XML-based textual specification file of the graphically edited rich media content (a description file as input; col. 13 lines 63-67; col. 5 lines 1-19; Fig. 9); and storing the composed multimedia content file and the second XML-based textual specification for access by one or more content creators (i.e. Fig 9, col. 13 lines 53-67).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Gibbon teaches:

- editing the XML-based textual specification by a user using a text editor (i.e. col. 13 lines 53-62).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Hui teaches:

- using an XML program to create the XML-based textual specification (i.e. col. 2 line 59-col. 3 line 30).

Per claim 5:

The rejection of claim 1 is incorporated, and further, Hui teaches:

-transmitting the plurality of diverse rich media content as a streaming digital file (i.e. col. 5 lines 35-40).

Per claim 8:

The rejection of claim 1 is incorporated, and further, Hui teaches:

- downloading the composed multimedia content file for display to a user in an application (i.e. Fig 6).

Per claim 10:

The rejection of claim 5 is incorporated, and further, Hui teaches:

- generating the streaming digital file as a binary file using a HotMedia format (i.e. col. 5 lines 35-40).

Per claim 11:

Gibbon discloses:

a) a processor for receiving a plurality of diverse rich media (i.e. Fig 9);

b) means for assembling the plurality of diverse rich media as a combined multimedia

vehicle repository (MVR) file (i.e. Fig 9).

Gibbon does not explicitly teach an XML-based textual specification comprising a user-

specified vocabulary that defines one or more of the plurality of diverse rich media content and

relationships between two or more of the plurality of diverse rich media. However, Hui teaches

an XML-based media description was known in the pertinent art, at the time applicant's

invention was made to easily understand, modify a media file, and for extensibility (i.e. col. 2

line 59-col. 3 line 30). It would have been obvious for one having ordinary skill in the art to

modify Gibbon's disclosed system to incorporate the teachings of Hui by using the XML-based

format instead of using the HTML representation. The modification would be obvious because

one having ordinary skill in the art would be motivated to allow users to easily understand and

edit media contents (i.e. col. 2 line 59-col. 3 line 30).

Gibbon in view of Hui further discloses combining the MVR file and the XML-based

textual specification in accordance with the user-specified vocabulary to create an edited MVR

file for execution on a multimedia player (i.e. col. 13 lines 53-62).

Gibbon teaches collecting rich media content and combining with a descriptive file with

an authoring tool, but neither Gibbon nor Hui teaches editing the plurality of diverse rich media

content using a graphical authoring tool. However, Mills discloses such a graphical authoring

tool (column 15, line 60 to column 16, line 16) was known in the pertinent art, at the time

applicant's invention was made to provide a user-friendly interface. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the authoring tool as taught by Gibbon which combines a descriptive file and a rich media content, with the graphical authoring feature as disclosed by Mills, because this modification provides a means for the authoring tool of Gibbon easily access and efficiently edit Web pages, as taught by Mills (column 15, lines 60- 67).

Gibbon further discloses creating a second XML-based textual specification file of the graphically edited rich media content (a description file as input; column 13, line 53 to column 14,line 7); and storing the composed multimedia content file and the second XML-based textual specification for access by one or more content creators (i.e. Fig 9).

Per claim 13:

The rejection of claim 11 is incorporated, and further, Hui teaches:

-an XML program running in the processor for translating descriptive text in combining the MVR file and the XML-based textual specification (i.e. col. 2 line 59-col. 3 line 30).

Per claims 18, 19, 22, 25, and 27, they are the program medium versions of claims 1, 3, 5, 8, and 10 respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 3, 5, 8, and 10 above.

7.   Claims 4, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gibbon (US Patent 6,473,778), in view of Hui (US Patent 6,654,030), further in view of Mills

(U.S. Patent 6,397,219), and still further in view of Martens (US Patent 4,570,221).

        In regard to claim 4:

Gibbon teaches the combining of the XML-based textual specification and a rich media

content file, but Gibbon, Hui, and Mills do not teach executing a batch processing. However,

Martens teaches the combining of files executing a batch process (column 1, lines 25 - 28).

Therefore, it would have been obvious to one skilled in the art at the time the invention was

made to combine two files, for example a descriptive file and a rich media content file as taught

by Gibbon, and incorporate the teaching of Martens, because performing the combining with a

batch process frees the user from the execution details and also enables the process to run of-line

as taught by Martens (column 1, lines 25 - 28).

        Per claim 12, it is the apparatus version of claim 4, respectively, and is rejected for the

same reasons set forth in connection with the rejection of claim 4 above.

        Per claim 21, it is the program medium version of claim 4, respectively, and is rejected

for the same reasons set forth in connection with the rejection of claim 4 above.

9.   Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon

(US Patent 6,473,778) in view of Hui (US Patent 6,654,030, further in view of Mills (U.S. Patent

6,397,219), and still further in view of Ohsuga et al. (U.S. Patent 6,317,151) hereinafter referred to as Ohsuga.

In regard to claim 9:

Gibbon, Hui, and Mills do not teach that the generation of the streaming digital file specifically as a sequence of frames. However, Ohsuga teaches streaming video to a digital file as a sequence of frames (column 1, lines 36 - 43). It would have been obvious to one skilled in the art at the time the invention was made to incorporate the teachings of Ohsuga because the digital frame allows the user to capture natural images and then edit them a reproducible digital format (see column 1, lines 36 - 42) that could be used as rich media content.

In regard to claim 26, incorporating the rejection of claim 22:

Claim 26 (program code medium) is rejected for the same reasons put forth in the rejection of claim 9 (the corresponding method).

Response to Arguments

10.   Applicant's arguments filed 7/9/2007 have been fully considered but they are not persuasive.

1) The applicant states that: no motivation or suggestion exists to combine Gibbon and Hui in a manner proposed by the Examiner and the Examiner fails to identify any objective evidence of record which supports the proposed combination. A prima facie case of obviousness has not been established and no guidance was provided in the Office Action as to how the references can be combined to achieve the present invention. Even if combined, they would not achieve the techniques of the claimed invention (remark, pages 7-9).

In response to the statement 1), Hui specifically discloses an XML-based textual specification (i.e. col. 2 line 59-col. 3 line 30) and one having ordinary skill in the art would know that XML is an extensible language allowing a user to define his/her own tags. The instant specification simply states that the creator prepares XML for the binary format without providing a specific description that is distinct from Hui. It would have been obvious for one having ordinary skill in the art to modify Gibbon's disclosed system to incorporate the teachings of Hui by using the XML-based format instead of using the HTML representation. The modification would be obvious because one having ordinary skill in the art would be motivated to allow users to easily understand and edit media contents by using XML (i.e. col. 2 line 59-col. 3 line 30).

2) The applicant states that: Hui fails to disclose the combining a plurality of diverse rich media content into a single multimedia content file and anything regarding a user-specified vocabulary defining one or more of plurality of diverse rich media content and relationships between two or more of the plurality of diverse rich media content (remark, 10).

In response to the statement 2) above: Gibbon discloses that "individual video frames are extracted from the video portion of the television program ...to produce a hypermedia document (col. 11, lines 63-67; col. 12 lines 1-6)." The plural video frames are extracted from the single program. In Fig.9, the multimedia assets (i.e. images, audio, video) and the multimedia description file are combined into the single multimedia repository file executable on a multimedia player.

3) The applicant states that: the combination of Gibbon and Hui fails to teach, suggest or render obvious the editing of the plurality of diverse rich media content using a graphical

authoring tool; the creating of …and the storing of…by one or more content creators (remark, 10).

In response to the statement 3), Gibbon and Hui do not teach editing the plurality of diverse rich media content using a graphical authoring tool. However, Mills discloses such a graphical authoring tool for editing (column 15, lines 1-19; Fig. 9; col. 13 lines 63-67) was known in the pertinent art, at the time applicant's invention was made to provide a user-friendly interface. See the rejection above. Gibbon further discloses storing the composed multimedia content file and the second XML-based textual specification for access by one or more content creators (i.e. Fig 9). The HTML file comprises the description file and the multimedia content such as the image, video, and audio is stored on a web server (col. 13, lines 53-67; col. 14 lines 1-7).

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
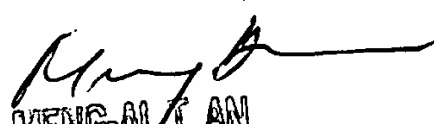
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The

examiner can normally be reached on M-R 6:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300. Information

regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available

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800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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